

1 The City Council of the City of Seabrook met in regular session on Tuesday, February 5, 2019 at
2 7:00 p.m. in Seabrook City Hall, 1700 First Street, Seabrook, Texas to discuss, consider and if
3 appropriate, take action on the items listed below.

4
5 **THOSE PRESENT WERE:**

6 **THOM KOLUPSKI**

MAYOR

7 **ED KLEIN**

COUNCIL PLACE NO. 1

8 **LAURA DAVIS**

COUNCIL PLACE NO. 2

9 **JEFF LARSON**

COUNCIL PLACE NO. 3

10 **NATALIE PICHA**

MAYOR PRO TEM

11
12 **BUDDY HAMMANN**

COUNCIL PLACE NO. 4

13 **JOE MACHOL**

COUNCIL PLACE NO. 5

14 **GAYLE COOK**

COUNCIL PLACE NO. 6

15 **SEAN LANDIS**

CITY MANAGER

16 **STEVE WEATHERED**

DEPUTY CITY MANAGER

17 **ROBIN HICKS**

CITY ATTORNEY

CITY SECRETARY

18
19 Mayor Kolupski called the meeting to order at 7:00 p.m. and led the audience in the United States
20 and Texas Pledge of Allegiance.

21
22 **1. PRESENTATIONS**

23
24 **1.1** Presentation of the post event report for the 2018 Christmas Boat Lane Parade on
25 December 8, 2018. (Sweeney)

26
27 Shari Sweeney, with the Clear Lake Area Chamber, stated that the marketing that went out
28 for this event was 75 miles plus away from here, which has been done the last two year. It's a
29 Saturday night event, so the idea is to have people come here for the weekend and spend the night.
30 Boat slips or docks are also advertised for this event because boaters who come from Nacogdoches,
31 Beaumont, etc. need a place to keep their boats while they are here for the weekend. Twenty five
32 percent (26%) of the participating boats are housed in Seabrook each year for this event.

33
34 Mayor Kolupski stated that it was a fun event, and even the awards ceremony was a lot of
35 fun.

36
37 Ms. Sweeney explained that Kemah gets a lot of attention for the parade because the
38 boardwalk puts up billboards, and the Skippers' meeting is at South Shore Harbor in League City.
39 So, if anyone has any thoughts on how the Chamber can encompass more in Seabrook, those ideas
40 and suggestions would be welcome. The Boat Lane Parade is a community wide event.

41
42
43 **THIS SPACE INTENTIONALLY LEFT BLANK**
44
45

46 **2. PUBLIC COMMENTS AND ANNOUNCEMENTS**

47
48 James Brockway 2366 Kolipsa Lane, commented on item 3.3 on the agenda and stated that
49 he would recommend approval. Mr. Brockway lives in League City, but travels on SH 146 all the
50 time and has clients in the area. If a community has a commercially zoned district, it can earn a
51 lot more sales tax dollars off that revenue and residentially zoned districts tend to be more taxing
52 on city services and businesses don't tend to need city services quite as much. There are a lot of
53 business that have already gone away in Seabrook because of the 146 expansion project, and
54 anything the city can do to generate more sales tax, that would be a good idea. If homes were built
55 along SH 146, it would be a lot tougher for resale later on.

56
57 **2.1** Mayor, City Council and/or members of the City staff may make announcements about
58 City/Community events. (Council)

59
60 Councilmember Davis announced several upcoming events, including: Men Who Cook;
61 Yachty Gras Boat Lane Parade; Girl Scout Fun Run; Seabrook Lucky Trails Marathon; and
62 Bayside Area Little League Opening Day Parade.

63
64 Mayor Kolupski announced that the Bay Area Chamber of Commerce is putting on an
65 event on March 5 for volunteers to travel to Austin for a Legislative Bay Area Houston Day if
66 anyone is interested on Council or in the audience in attending. The Chamber would appreciate
67 the volunteers. There is a Seabrook City Council meeting that night, so if anyone on Council
68 wants to go, Council can approve an excused absence. The Chamber said Council members will
69 be back that night by 7:00pm.

70
71 Mayor Kolupski also announced that there will be a ribbon cutting on February 13 for the
72 beginning of the SH146 Expansion Project. The time and location is not yet set, and staff will
73 communicate to Council those details as they have them. Councilmembers are encouraged to be
74 there.

75
76 **3. CONSENT**

77
78 **3.1** Approve on second reading proposed Ordinance 2019-01, "Issuance of conditional use
79 permit to allow a "Tattoo Parlor" at 2622 Nasa Road 1, Suite H in the C-2 Medium Commercial
80 District." (Landis)

81
82 AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, APPENDIX "A",
83 COMPREHENSIVE ZONING, ARTICLE 12, "TEMPORARY AND NONTEXT CHANGES,"
84 SECTION 12.03, "CONDITIONAL USE PERMITS GRANTED", BY ADDING A NEW
85 PARAGRAPH TWENTY FIVE (25), GRANTING A CONDITIONAL USE PERMIT
86 ALLOWING FOR A TATTOO PARLOR AT 2622 NASA ROAD ONE, SUITE H., WITHIN A
87 C-2 (MEDIUM COMMERCIAL) DISTRICT OF THE CITY; PROVIDING A PENALTY IN AN
88 AMOUNT NOT TO EXCEED \$2,000 FOR VIOLATION OF ANY PROVISIONS HEREOF BY
89 INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF

ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

3.2 Approve on second reading proposed Ordinance 2019-02, "Amendment to the Zoning Code of the City of Seabrook, deleting in its entirety Section 3.09 "C-S Commercial Special District" creating and replacing such section for creation of a newly created zoning district "SH 146 South Commercial District" revising the Official Zoning Map and Land Use Matrix for such purpose. (Landis)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, APPENDIX "A", "COMPREHENSIVE ZONING", ARTICLE 3, "ESTABLISHMENT OF ZONING DISTRICTS AND ASSOCIATED REGULATIONS", REPEALING IN ITS ENTIRETY SECTION 3.09 "C-S COMMERCIAL SPECIAL DISTRICT" AND REPLACING THE TITLE FOR SAID SECTION TO PROVIDE FOR A NEW ZONING DISTRICT ENTITLED "146-S SH 146 SOUTH COMMERCIAL DISTRICT," SUCH DISTRICT BEING LOCATED ON BOTH THE EAST AND WEST SIDES OF HWY 146, STARTING AT HWY 146 AND 10TH STREET HEADING NORTH TO THE NASA PARKWAY/MAIN STREET INTERSECTION AS REFERENCED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED BY REFERENCE, WITH CORRESPONDING AMENDMENTS TO SECTION 3.01, "ESTABLISHMENT OF ZONING DISTRICTS AND ASSOCIATED REGULATIONS", AND SECTION 3.15 "COMPREHENSIVE LAND USE MATRIX", TABLE 3-A "USES PERMITTED BY RIGHT AND CONDITIONAL USES" FOR SUCH DISTRICT, AS PROVIDED HEREIN; REQUIRING THAT THE ZONING MAP BE AMENDED TO REFLECT THIS NEW REZONED DISTRICT; MAKING SPECIFIC FINDINGS RELATING TO REZONING OF SUCH PROPERTY WITHIN THE DISTRICT; PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE THAN \$2,000.00 FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR NOTICE AND SEVERABILITY.

3.3 Approve on second reading proposed Ordinance 2019-03, "Amendment to the Zoning Code of the City of Seabrook, creating new zoning district 'SH 146 Main Commercial District', revising the Official Zoning Map and Land Use Matrix for such purpose." (Landis)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 3, "ESTABLISHMENT OF ZONING DISTRICTS AND ASSOCIATED REGULATIONS", CREATING A NEW SECTION 13.6 ENTITLED "146-M SH 146 MAIN COMMERCIAL DISTRICT," SUCH DISTRICT BEING LOCATED ON THE EAST SIDE OF HWY 146, STARTING AT THE NASA PARKWAY/MAIN STREET INTERSECTION HEADING NORTH TO BAYVIEW DRIVE, ON THE WEST SIDE ONLY, STARTING AT SEABROOK SHIPYARD HEADING NORTH AND ENCOMPASSING ALL OF THE COMMERCIAL PROPERTY FROM ELEVENTH STREET TO HWY 146 TO THE NORTHERN SEABROOK CITY LIMITS AS REFERENCED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED BY REFERENCE, WITH CORRESPONDING AMENDMENTS TO ADD THE NEW DISTRICT TO SECTION 3.01, "ESTABLISHMENT OF

135 ZONING DISTRICTS AND ASSOCIATED REGULATIONS", AND SECTION 3.15
136 "COMPREHENSIVE LAND USE MATRIX", TABLE 3-A "USES PERMITTED BY RIGHT
137 AND CONDITIONAL USES", AS PROVIDED HEREIN; REQUIRING THAT THE ZONING
138 MAP BE AMENDED TO REFLECT THIS NEW REZONING DISTRICT; MAKING SPECIFIC
139 FINDINGS RELATING TO REZONING OF SUCH PROPERTY WITHIN THE DISTRICT;
140 PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE THAN \$2,000.00 FOR
141 VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE;
142 REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN
143 CONFLICT HEREWITH; AND PROVIDING FOR NOTICE AND SEVERABILITY.

144
145 **3.4** Approve on second reading proposed Ordinance 2019-04, "Amendment to the code of the
146 City of Seabrook, Comprehensive Zoning Ordinance, repealing in its entirety current provisions
147 for Off-Street Parking, Loading, Ingress and Egress, and providing for a new title." (Landis)

148
149 AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, APPENDIX A,
150 "COMPREHENSIVE ZONING", ARTICLE 5, "OFF-STREET PARKING, LOADING,
151 INGRESS AND EGRESS; AND LANDSCAPING AND SAFETY REQUIREMENTS " TO
152 REPLACE IN ITS ENTIRETY AND PROVIDE NEW COMPREHENSIVE REQUIREMENTS
153 UNDER A REVISED TITLE "OFF-STREET PARKING, LOADING, INGRESS AND
154 EGRESS"; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 FOR
155 VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE;
156 REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN
157 CONFLICT HEREWITH; AND PROVIDING FOR NOTICE AND SEVERABILITY.

158
159 **3.5** Approve on second reading proposed Ordinance 2019-05, "Amendment to the code of the
160 City of Seabrook, Comprehensive Zoning Ordinance, deleting landscaping and buffering
161 requirements from Article 5, "Off-Street Parking, Loading, Ingress and Egress" and
162 recodifying such requirements by creation of a new Article 7 entitled "Landscaping and Buffering
163 Requirements." (Landis)

164
165 AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, APPENDIX A,
166 "COMPREHENSIVE ZONING", REPEALING IN ITS ENTIRETY THE PROVISIONS
167 PERTAINING TO LANDSCAPING AND BUFFERING REQUIREMENTS SECTIONS 5.05
168 AND 5.06, CONTAINED IN ARTICLE 5, "OFF-STREET PARKING, LOADING, INGRESS
169 AND EGRESS, AND LANDSCAPING AND SAFETY REQUIREMENTS", AND CREATING
170 A NEW ARTICLE 7, ENTITLED "LANDSCAPING AND BUFFERING REQUIREMENTS"
171 FOR SUCH SUBJECT TO PROVIDE FOR NEW UPDATED AND COMPREHENSIVE
172 REGULATIONS OF THIS SUBJECT MATTER; PROVIDING A PENALTY IN AN AMOUNT
173 NOT TO EXCEED \$2000 FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION
174 INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES
175 INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR NOTICE AND
176 SEVERABILITY.

177
178

179 3.6 Approve the minutes of the August 13, 2018 special City Council meeting. (Hicks)

180
181 3.7 Approve the minutes of the December 4, 2018 regular City Council meeting. (Hicks)

182
183 3.8 Approve the minutes of the December 18, 2018 regular City Council meeting. (Hicks)

184
185 Motion was made by Councilmember Hammann and seconded by Councilmember Machol

186
187 To approve the Consent Agenda as presented

188
189 MOTION CARRIED BY UNANIMOUS CONSENT

190
191 **4. NEW BUSINESS**

192
193 4.1 Consider and take all appropriate action on first and final reading of proposed Ordinance
194 2019-06, "Amending the budget for the fiscal year beginning October 1, 2018 and ending
195 September 30, 2019 for city department encumbrances." (Gibbs)

196
197 AN ORDINANCE AMENDING THE AMOUNT OF APPROPRIATIONS FOR THE FISCAL
198 YEAR BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019 BY
199 AUTHORIZING CERTAIN ADDITIONS AND REDUCTIONS IN THE AMOUNT OF
200 \$804,170.23 FOR GENERAL FUND, ENTERPRISE FUND AND HOTEL OCCUPANCY
201 FUND; AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO
202 FACILITATE THE CHANGES IDENTIFIED; AND FINDING AVAILABLE
203 UNENCUMBERED FUNDS FOR THE SUPPLEMENTAL APPROPRIATION AND/OR
204 TRANSFER.

205
206 Michael Gibbs, Director of Finance, explained that many of the items in this amendment
207 have already been viewed by Council in past meetings and/or at budget time. The details regarding
208 the amendments are explained in Attachment A.

209
210 Motion was made by Councilmember Davis and seconded by Councilmember Klein

211
212 To approve on first and final reading proposed Ordinance 2019-06, "Amending the budget for the
213 fiscal year beginning October 1, 2018 and ending September 30, 2019 for city department
214 encumbrances."

215
216 MOTION CARRIED BY UNANIMOUS CONSENT

217
218 4.2 Consider and take all appropriate action on first reading of proposed Ordinance 2019-07,
219 "Flood Damage Prevention." (Cook)

220
221 AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF
222 SEABROOK, TEXAS, CHAPTER 38, "FLOOD", ARTICLE II, "FLOOD DAMAGE
223 PREVENTION", DIVISION 2, "ADMINISTRATION, VARIANCE PROCEDURES AND

PENALTIES", BY DELETING IN ITS ENTIRETY ONLY SECTION 38-60, "PENALTIES FOR NONCOMPLIANCE", TO COMPLY WITH JURISDICTIONAL LIMITS OF MUNICIPAL COURT; PROVIDING FOR A PENALTY IN AN AMOUNT OF \$500.00, OR THE MAXIMUM PROVIDED BY LAW FOR VIOLATION OF ANY PROVISIONS OF THE SUBJECT CHAPTER; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith, SPECIFICALLY INCLUDING SECTION 38-60 OF ORDINANCE 2016-27 RELATING TO PENALTIES FOR NONCOMPLIANCE; AND PROVIDING FOR SEVERABILITY AND NOTICE.

Motion was made by Mayor Pro Tem Picha and seconded by Councilmember Machol

To approve on first reading proposed Ordinance 2019-07, "Correction to the Flood Damage Prevention Penalty Provisions."

MOTION CARRIED BY UNANIMOUS CONSENT

4.3 Consider and take all appropriate action on proposed Resolution 2019-02, "Supporting Legislation to amend Texas Tax Code Chapter 351." (Hicks)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK SUPPORTING THE INTRODUCTION AND PASSAGE OF LEGISLATION THAT WOULD AMEND THE TEXAS TAX CODE CHAPTER 351 TO AUTHORIZE THE CITY OF SEABROOK TO UTILIZE THE FUTURE COLLECTION OF HOTEL OCCUPANCY TAX FUNDS AND OTHER RELATED TAXES FOR EXPANDED ECONOMIC DEVELOPMENT PURPOSES AUTHORIZED BY CHAPTER 351 OF THE TEXAS TAX CODE; AND FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Motion was made by Councilmember Davis and seconded by Councilmember Klein

To approve Resolution 2019-02, "Supporting Legislation to amend Texas Tax Code Chapter 351."

MOTION CARRIED BY UNANIMOUS CONSENT

4.4 Consider and take all appropriate action on a Resolution regarding Grand Parkway - Segment B to be signed by the cities of Galveston County and Harris County. (Kolupski)

Mayor Kolupski explained that the mayors of Galveston and Harris Counties have been meeting for the last 6 months with Bay Area Houston Economic Partnership to take this resolution to the legislature during this session. This is a resolution for support of the extension of the Grand Parkway in the Alvin. Seabrook has been asked to sign the resolution as part of the Mayor's group for support of the road. There is no problem with Seabrook supporting this resolution.

Motion was made by Councilmember Hammann and seconded by Councilmember Machol

To approve a Resolution regarding Grand Parkway - Segment B to be signed by the cities of Galveston County and Harris County.

MOTION CARRIED BY UNANIMOUS CONSENT

4.5 Consider and take all appropriate action on the TML 86th Legislative Agenda to support legislation affecting Bay Area Houston Region cities. (Kolupski)

Mayor Kolupski explained that this agenda is for additional legislation that TML cities want to bring forward to the State legislators. It includes a number of items and includes support of the State water plan. This agenda opposes the mandate on State tax caps for municipalities. This agenda also supports legislation to reimburse municipalities for condemned or eminent domain properties, such as what is seen along State Highway 146.

Motion was made by Councilmember Hammann and seconded by Councilmember Klein

To approve the TML 86th Legislative Agenda to support legislation affecting Bay Area Houston Region cities.

MOTION CARRIED BY UNANIMOUS CONSENT

5. OLD BUSINESS

5.1 Consider and take all appropriate action on replacing Mayor Thom Kolupski as Council representative to participate in the Economic Alliance Advocacy trip to Washington D.C. April 1-4, 2019. (Kolupski)

Mayor Kolupski stated that he is not able to go on this particular trip because he has personal business to attend to that week.

Councilmember Machol explained that he is interested in going on the trip.

Motion was made by Councilmember Hammann and seconded by Councilmember Ed

To approve replacing Mayor Kolupski as the Council representative on the Economic Alliance Advocacy trip to Washington D.C. with Councilmember Joe Machol.

MOTION CARRIED BY UNANIMOUS CONSENT

6. DISCUSSION ITEM

6.1 Discussion and direction on the FY2018-19 Strategic Plan accomplishments and updates.

Gayle Cook, City Manager, presented the strategic plan accomplishments and updates as seen on Attachment B.

314
315 A Council member expressed concern that the Strategic Plan updates sound great, but there
316 have recently been feedback from citizens on the lack of transparency of the City. It is a good idea
317 to do workshops that citizens can attend.
318

319 Ms. Cook stated that a workshop is a great idea, and there was a workshop scheduled with
320 Council in July, 2018, to discuss the Strategic Plan. That type of meeting is not the type where
321 notices are required to be sent to residents' homes.
322

323 **7. ROUTINE BUSINESS**

324

325 **7.1** Approve the Action Items Checklist which is attached and made a part of this
326 Agenda. (Council)
327

328 **TXDOT** – Gayle Cook, City Manager, stated that the TXDOT rep did a fantastic job at the
329 recent Chamber luncheon with well over 200 in attendance. The Mayor also gave a short
330 presentation on the aesthetic design. Seabrook EDC is working on a marketing video to show the
331 intended design and construction plans and timeline. The TXDOT presentation is attached to these
332 minutes in Attachment C. Some of the highlights of the presentation were: The Red Bluff project
333 being let at the end of this year; the connection with Grand Parkway in the future; the duration of
334 the project being five (5) years; the construction start on February 13; and an explanation of the
335 phasing for the project. Updates will be on the website: www.sh146.com. The Police Department
336 is on a key staff distribution list so that they will know when lane closures will occur.
337

338 **PROJECTS** – Kevin Padgett, Director of Public Works, explained that the Todville
339 project is not finished yet, but staff is seeing progress. The crews are down to the south end, which
340 is very very sloppy. After the crews dig, it keeps collapsing in on itself. Another manhole was
341 set today, and the project is down to the last 3 manholes and 2 road bores. The SCADA kickoff
342 meeting is scheduled for February 18, so that project will start moving forward and should be
343 finished in about 6 months. Finally several CIP projects are in the design phase, including Pine
344 Gully, Hester's Gully, and both the street and waterline replacement for Marvin Circle.
345

346 **GRANTS** – Ms. Cook explained and showed a presentation on grants. Maybe of the
347 Hurricane Harvey claims are starting to finalize, and a little over \$200,000 having been
348 reimbursed.
349

350 **LEGISLATION** - Robin Hicks, City Secretary, explained that there are several bills that
351 have been filed this legislative session regarding elections and election procedures. Among the
352 bills files are 1. A bill that would prohibit the use of DRE voting systems if those systems were
353 not able to be audited, resulting in a paper trail showing that any given voter had voted; 2. A bill
354 that would change the uniform election date to November for all entities; 3. A bill that would
355 allow any qualified voter to vote by mail, regardless of absence from the county, age, disability,
356 or incarceration; 4. A bill that would allow election workers to take a picture of a voter, if the
357 election worker suspected that the identification presented was not authentic; and 5. A bill that
358 would require specific language for propositions in a Charter election.

359

360 Motion was made by Councilmember Davis and seconded by Mayor Pro Tem Picha

361

362 To approve the Action Items Checklist

363

364 MOTION CARRIED BY UNANIMOUS CONSENT

365

366 7.2 Establish future meeting dates and agenda items, including Charter Review Commission
367 appointments. (Council)

368

369 The next City Council meeting will be February 19, 2019 at 7:00pm. It is anticipated that
370 City Council will appoint a Charter Review Commission on February 19.

371

372 Upon motion duly made and seconded, Mayor Kolupski adjourned the meeting at 8:02 p.m.

373

374 Approved this 19th day of February 2019.

375

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384



Robin Hicks, TRMC
City Secretary



Thomas G. Kolupski
Mayor

